REMARKS

Applicants have corrected the erroneous request to amend the specification.

With regard to the lack of written description rejection of claim 25, Applicants note that subject matter that is inherently disclosed is not new matter if it is later made explicit. For example, if Applicants disclose "sphere," it is not new matter to later refer to the sphere's surface since that is inherently present. Here, Applicants have made it abundantly clear that they are describing a storage-engine-based DRM scheme. True, they said only "engine" in the specification but this engine reads and writes to storage medium. That is made overwhelmingly explicit in the specification. As such, it is not new matter to refer to the disclosed "engine" as a storage engine. However, in an effort to move this case to allowance, Applicants have amended claim 25 to remove the "storage" from "storage engine."

Applicants respectfully traverse this same rejection of claim 26. Indeed, what is the point of generating the secure session key but for authentication of a host? If the host doesn't ever return the session key, the storage engine has wasted its time. In reality, once the host has the secure session key, that host is authenticated and need merely prove possession of the secure session key to the [storage] engine to prove its authentication. In any case, such transmission from the host to the engine is plainly described, for example, on page 48 with respect to Figure 15 with regard to the host writing a file to the storage medium through the [storage] engine. Specifically, on page 48, line 26, the engine sends the secure session key in the context of a host wishing to record content to the storage medium. On page 49, line 4-5, the host proves its authentication in regard to this wish by transmitting the encrypted session key back to the engine (in the context of sending the created destination file). Accordingly, Applicants have written support for this limitation.

Applicants respectfully traverse the rejection of claim 25 as being obvious over the present assignee's patent to Braitberg, USP 6,631,359 in view of Sims (USP 6,550,011). Indeed, USP 6,631,359 shows on its cover page that it is commonly assigned to the present assignee: DPHI Acquisitions, Inc. In that regard, Applicants' attorney makes the representation under MPEP 706.02(I)(2) that both the application and USP 6,631,359 were, at the time the invention was made, owned by the same person (at one time known as Dataplay, now called DPHI Acquisitions, Inc.). As such, the rejection of claim 25 as being obvious over USP 6,631,359 is overcome.

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The same consideration applies to the rejection of claim 26 over Braitberg in view of Sims/Menezes. The base reference (Braitberg) is unavailable as a 103 reference. As such, teh rejection of claim 26 as being obvious over USP 6,631,359 is overcome.
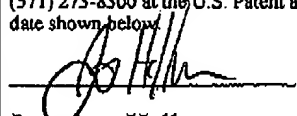
Applicants submit herewith a terminal disclaimer to commonly-assigned USP 6,636,966. Therefore, the rejections of claim 25 on the grounds of nonstatutory obviousness-type double patenting over USP 6,636,966 is overcome.

CONCLUSION

For the above reasons, pending Claims 25 and 26 are in condition for allowance and allowance of the application is hereby solicited. If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 752-7040 is welcomed and encouraged.

Certification of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted to (571) 273-8300 at the U.S. Patent and Trademark Office on the date shown below.

March 30, 2006

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Respectfully submitted,

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